

OCT 14 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES C. JOE III

and,

WILBERT NEZ

Defendants.

CRIMINAL NO. 04-2029JC

Count 1: 21 U.S.C. §§ 846: Conspiracy to distribute less than 50 grams of a mixture and substance containing a detectable amount of methamphetamine

Counts 2 and 3: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) - Distribution of less than 50 grams of a mixture and substance containing a detectable amount of methamphetamine and 18 U.S.C. § 2: Aiding and abetting an unlawful act.

Count 4: 21 U.S.C. §§ 841(a)(2) and (b)(1)(C) - Distribution of a counterfeit substance purporting to be less than 50 grams of a mixture and substance containing a detectable amount of methamphetamine and 18 U.S.C. § 2: Aiding and abetting an unlawful act.

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about from May 8, 2003 through June 13, 2003, in San Juan County, in the State and District of New Mexico and elsewhere, the defendants, **JAMES C. JOE** and **WILBERT NEZ**, unlawfully, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with persons whose names are known and unknown to the grand jury, to commit the following offense against the United States, to wit: distribution of less than 50 grams of a mixture and substance

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containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

In violation of 21 U.S.C. § 846.

COUNT 2

On or about May 8, 2003, in San Juan County, in the State and District of New Mexico, the Defendant, **JAMES C. JOE**, did unlawfully, knowingly and intentionally distribute less than 50 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and 18 U.S.C. § 2.

COUNT 3

On or about May 22, 2003, in San Juan County, in the State and District of New Mexico, the Defendant, **JAMES C. JOE** and **WILBERT NEZ**, did unlawfully, knowingly and intentionally distribute less than 50 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and 18 U.S.C. § 2.

COUNT 4

On or about June 13, 2003, in San Juan County, in the State and District of New Mexico, the Defendant, **JAMES C. JOE**, did unlawfully, knowingly and intentionally distribute a counterfeit substance purporting to be less than 50 grams of a mixture and

substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(2) and (b)(1)(C); and 18 U.S.C. § 2.

SENTENCING ALLEGATION

The charged offenses involved at least 20 grams but less than 30 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance within the meaning of U.S.S.G. § 2D1.1(c)(10).

Mary J. Higgins for
DAVID C. IGLESIAS
United States Attorney

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

JF 10/06/04 1:45pm